



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,256	11/13/2001	Peter Wagner	A34735 (071308.0256)	2749

7590

04/19/2005

Andreas Grubert
Baker Botts L.L.P.
One Shell Plaza
910 Louisiana Street
Houston, TX 77002-4995

EXAMINER

TRUONG, LECHI

ART UNIT

PAPER NUMBER

2194

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,256

Applicant(s)

PETER WAGNER

Examiner

LeChi Truong

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

K

DETAILED ACTION

1. Claims 1-23 are presented for the examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following terms lack proper antecedent basis:

The information preparation device – claim 23;

- b. The claim language in the following claims is not clearly understood:

- (i) As to claim 23, it is not clearly indicated the automation system is the same as a conversion device or different from a conversion device.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 9-15, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava et al (US. Patent 6,549,922 B1) in view of APA (Admitted Prior Art).

4. **As to claim 1**, Srivastava teaches the invention substantially as claimed including:

control device (a sample extractor 115, col 2, ln 45-50), controlled variables data (metadata from other source, sources as the internet, col 1, ln 44-48 and col 58-61/ from media data referred as metadata and annotations, col 2, ln 29-35), a control device for transmitting and receiving data to and from system (col 2, ln 50-55/ col 4, ln 37-40), an information preparation device (a transformer module 116, col 2, ln 50-55), information preparation device for obtaining project information and for exchanging said data with the control device (col 2, ln 50-55), a data storage device(the database , col 2, ln 60-65), a database for storing the project information and the data from the control device(col 2, ln 59-65), a format(a standard data format, preferably the extend markup Language, col 2, ln 60-65), providing said information and data via the information preparation device in a format that can be read by standard Internet client(col 1, ln 44-49/col 2, ln 60-65/ col 3, ln 3,1 n 1-8).

5. Srivastava does not explicit teach the term control of a system. However, APA teaches control of a system (control system, page 2, ln 3).

6. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Srivastava and APA because APA's control system would provide reliability of Sirvastava's system by permitting the user to draw conclusion about the state of the control of the automation component.

7. **As to claim 2**, Srivastava teaches the format is selected from XML, HTML (col 2, ln 59-65).

Art Unit: 2194

8. As to claim 3, Srivastava teaches a converting and back converting data in a format that can be read by the control device into a format that can be read by standard Internet clients (col 2, ln 45-50 and ln 60-65/ col 1, ln 45-49).

9. As to claim 4, Srivastava teaches the project engineering information and the data from the control device comprise static and / or dynamic variables (col 4, ln 39-43).

10. As to claim 5, Srivastava teaches only predetermined data is stored in the data storage device (col 2, ln 60-65).

11. As to claim 6, Srivastava teaches a display device in which static and dynamic data can be mixed in image (col 5, ln 1-11).

12. As to claim 9, APA teaches an engineering system (an engineering system, page 2, ln 1).

13. As to claim 10, it is an apparatus claim of claim 1; therefore, it is rejected for the same reasons as claim 1 above. In additional, Srivastava teaches a run-time system (the framework at run-time, col 4, ln 44-48).

14. As to claims 11-15, they are apparatus claims of claims 2-6; therefore, they are rejected for the same reasons as claims 2-6 above.

15. As to claim 19, Srivastava teaches system document/ user documentation and identification information (the media data, col 2, ln 57-58), stored directly or by hyperlinks (col 2, ln 60-65).

16. Claims 7, 8, 16, 17, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava et al (US. Patent 6,549,922 B1) in view of APA (Admitted Prior Art), as applied to claim 1 above, and further in view of Olkin et al (US. Patent 5,878,220).

17. As to **claim 7**, Srivastava and APA do not teach a web server. However, Olkin teaches a web server (server 130, col 4, ln 30-36).

18. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Srivastava, APA and Olkin because Olkin's web server would improve the efficiency of Srivastava and APA's systems by providing a data transport system that effectively and efficiently supports the transfer.

19. As to **claim 8**, Olkin teaches the web server provides data restricted to operating, observation or server information (col 4, ln 35-39).

20. As to **claims 16**, Olkin teaches the data stored in the run-time system is provided to Internet and /or received therefrom (col 4, ln 1-8).

21. As to **claim 17**, Olkin teaches the data provided for the Internet is restricted to operating, observation or service information data (col 4, ln 35-39).

22. As to **claim 20**, Olkin teaches internet (high bandwidth network 150/ network 120, fig. 1)

23. Claims **18, 21, 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava et al (US. Patent 6,549,922 B1) in view of APA (Admitted Prior Art), as applied to claim 1 above, and further in view of Taylor (The Gemini telescope control system).

24. As to **claim 18**, APA teaches the project information is obtained form an engineering system (the project engineering data developed in the engineering system, page 2, ln 1-3).

Art Unit: 2194

25. Srivastava and APA do not teach an open-loop and closed loop. However, Taylor teaches an open loop and closed loop (open loop/ closed loop, sec: 5, ln 1-4).

26. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Srivastava, APA and Taylor because Taylor's open loop and closed loop would increase the efficiency of Srivastava and APA's systems by allowing easy construction of graphical interfaces to control and monitor the databases.

27. As to claims 21, 22, they are apparatus claims of claims 18, 19; therefore, they are rejected for the same reasons as claims 18, 19 above.

28. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava et al (US. Patent 6,549,922 B1) in view of Bruynooghe et al (US. Patent 5,454,109).

29. As to claim 23, Srivastava teaches control device (a sample extractor 115, col 2, ln 45-50), controlled variables data (metadata from other source, sources as the internet, col 1, ln 44-48 and col 58-61/ from media data referred as metadata and annotations, col 2, ln 29-35, an information preparation device (a transformer module 116, col 2, ln 50-55), conversion device the formatter 119, col 7, ln 58-60), a conversion device for converting and back-converting data(col 4, ln 40 -45, a data storage device(the database , col 2, ln 60-65), a data storage device for storing the project information and the data from the control device(col 2, ln 59-65), a format(a standard data format, preferably the extend markup Language, col 2, ln 60-65), providing said information and data via the information preparation device in a format that can be read by standard Internet client(col 1, ln 44-49/col 2, ln 60-65/ col 3, ln 1-8).

Art Unit: 2194

30. Srivastava does not teach transmitting and receiving data to and from the automation system. However, Bruynooghe teaches transmitting and receiving data to and from the automation system(point to point connection between the tool agent and tool server, receiving a message from the tool server after converting message , send message back to the tool server, col 3, ln 2-11).

31. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Srivastava and Bruynooghe because Bruynooghe's transmitting and receiving data to and from the automation system would increase the flexibility of Bruynooghe's system by avoiding the needs for the application programs to have any specific knowledge of the tool environment.

Response to the argument:

29. Applicant amendment filed on 9/03/04 has been considered but they are not persuasive:

Applicant argued in substance that :

(1) “ The sample extractor generates additional information from the content of a media file. It does not transmit and receive controlled variables data”.

(2) “ the transformer does not return anything to the sample extractor”.

30. Examiner respectfully disagreed with Applicant's remarks:

As to the point (1), Srivastava teaches metadata is extracted by the metadata extractor 11 and passed to the transformer 116 (col 6, ln 37-40).

Art Unit: 2194

As to the point (2), APA teaches the project or project engineering data developed in the engineering system are transferred into the run-time system and used to output the controlled variables(page 2, ln 1-4).

31. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2194

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

April 14, 2005


SUE LAO
PRIMARY EXAMINER